



Reprinted  
February 27, 2001

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## HOUSE BILL No. 1589

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DIGEST OF HB 1589 (Updated February 26, 2001 11:14 PM - DI 71)

**Citations Affected:** IC 3-5; IC 3-10; IC 3-11.

**Synopsis:** Voting systems. Provides that punch card voting systems may not be used in an Indiana election after December 31, 2003. Establishes the voting system improvement fund to reimburse counties for the purchase of new or upgraded voting systems. Provides that a county's purchase or award of a contract for a new voting system or an upgrade to an existing voting system is eligible for reimbursement regardless of whether the purchase or the award of the contract occurred before July 1, 2001. Provides that the fund consists of appropriations made by the general assembly, all federal money received by the state for voting systems improvement, and the proceeds of bonds issued by the Indiana bond bank for improvement of voting systems as authorized by law. Requires counties to apply to the budget agency for reimbursement from the fund not later than June 1, 2003. Provides that a county may be reimbursed up to 50% of the amount of expenditures made for a new or an upgraded voting system. Provides that the state reimbursement expires on January 1, 2005.

**Effective:** July 1, 2001.

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**Weinzapfel, Kruzan, Aguilera,  
Whetstone, Murphy, Mahern,  
Stilwell**

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January 17, 2001, read first time and referred to Committee on Elections and Apportionment.

February 1, 2001, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.

February 21, 2001, amended, reported — Do Pass.

February 26, 2001, read second time, amended, ordered engrossed.

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HB 1589—LS 7514/DI 75+



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1589

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 3-5-2-4 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2001]: Sec. 4. "Ballot card" ~~means a card on~~
- 3 ~~which votes are recorded by the process of punching or marking. refers~~
- 4 **to either a punch card ballot or an optical scan ballot.**
- 5 SECTION 2. IC 3-5-2-4.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2001]: Sec. 4.5. "Ballot card voting system" **refers to either a**
- 8 **punch card voting system or an optical scan voting system.**
- 9 SECTION 3. IC 3-5-2-33.8 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2001]: Sec. 33.8. "Optical scan ballot" **means a card or another**
- 12 **paper on which votes are:**
- 13 (1) recorded by marking the card or paper in ink or pencil;
- 14 and
- 15 (2) tabulated by an optical system that reads the marks on the
- 16 card or paper.
- 17 SECTION 4. IC 3-5-2-33.9 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 33.9. "Optical scan voting system" means a voting system using optical scan ballots.**

SECTION 5. IC 3-5-2-41.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 41.5. "Punch card ballot" means a card on which votes are recorded by punching holes in the card.**

SECTION 6. IC 3-5-2-41.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 41.6. "Punch card ballot system" means a voting system using punch card ballots.**

SECTION 7. IC 3-10-1-28.5, AS AMENDED BY P.L.176-1999, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 28.5. (a) If a ballot card voting system is used in a precinct, after a voter has marked a ballot card the voter shall place it inside the envelope provided for this purpose and return it to the judge.**

**(b) The judge shall remove the stub from the ballot card. This subsection does not apply to an optical scan ~~ballot card~~ voting system.**

**(c) The judge shall then offer to return the envelope with the ballot card inside to the voter. The voter shall:**

- (1) accept the envelope and deposit it with the ballot card inside into the ballot box; or**
- (2) decline the envelope and require the judge to deposit it in the ballot box.**

**(d) The voter then shall leave the polls.**

SECTION 8. IC 3-11-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

**Chapter 6.5. Voting System Improvement**

**Sec. 1. As used in this chapter, "fund" refers to the voting system improvement fund established by section 2 of this chapter.**

**Sec. 2. (a) The voting system improvement fund is established for the purpose of reimbursing counties for the purchase of new voting systems or for the upgrade of existing voting systems.**

**(b) The fund consists of the following:**

- (1) Money appropriated to the fund by the general assembly, including any money appropriated from the build Indiana fund.**
- (2) All money allocated to the state by the federal government for improvement of voting systems.**
- (3) Proceeds of bonds issued by the Indiana bond bank for**



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1 improvement of voting systems as authorized by law.  
 2 The auditor of state shall establish an account within the fund for  
 3 money appropriated by the general assembly and a separate  
 4 account within the fund for any money received by the state from  
 5 the federal government.

6 (c) The division shall administer the fund.

7 (d) The expenses of administering the fund shall be paid from  
 8 money in the fund.

9 (e) The treasurer of state shall invest the money in the fund not  
 10 currently needed to meet the obligations of the fund in the same  
 11 manner as other public money may be invested. Interest that  
 12 accrues from these investments shall be deposited in the fund.

13 (f) Money in the fund at the end of a state fiscal year does not  
 14 revert to the state general fund.

15 Sec. 3. To receive reimbursement for the purchase of a new  
 16 voting system or an upgrade of an existing voting system, a county  
 17 must make an application to the budget agency in the form  
 18 required by the budget agency not later than June 1, 2003.

19 Sec. 4. The budget agency, after review by the budget  
 20 committee, shall approve a county's application for reimbursement  
 21 under this chapter if the county's application demonstrates to the  
 22 budget agency all of the following:

23 (1) That the county has purchased or has awarded a contract  
 24 to purchase a new voting system or an upgrade of an existing  
 25 voting system.

26 (2) That the commission has approved the new voting system  
 27 or the upgrade of an existing voting system.

28 (3) That all of the following would be enhanced by the new or  
 29 upgraded voting system:

30 (A) Reliability of the system.

31 (B) Efficiency of the system.

32 (C) Ease of use by voters.

33 (D) Public confidence in the system.

34 Sec. 5. (a) If a county's application is approved under section 4  
 35 of this chapter, the division shall, subject to subsection (b) and  
 36 section 6 of this chapter, reimburse the county from the fund an  
 37 amount equal to fifty percent (50%) of the amount required for the  
 38 purchase of a new voting system or the upgrade of an existing  
 39 voting system.

40 (b) This section expires January 1, 2005.

41 Sec. 6. (a) Subject to requirements of federal law under which  
 42 money is allocated to the state, the division shall pay an additional



reimbursement to a county that is eligible for reimbursement under this chapter from the federal money an amount determined under STEP FIVE of the following formula:

**STEP ONE:** Determine the amount of federal money received by the state.

**STEP TWO:** Determine the number of precincts in the county on July 1, 2001.

**STEP THREE:** Determine the total number, as of July 1, 2001, of precincts in all counties that are eligible for reimbursement under this chapter.

**STEP FOUR:** Divide the number determined in STEP TWO by the number determined in STEP THREE.

**STEP FIVE:** Multiply the number determined in STEP FOUR by the number determined in STEP ONE.

(b) It is the intent of the general assembly that a county eligible for reimbursement under this chapter be reimbursed from federal money received by the state to the maximum extent permitted by federal law. Notwithstanding subsection (a), if federal money remains in the fund after the formula in subsection (a) is applied, the remaining federal money shall be distributed to any counties that have not received the maximum amount of federal money permitted by federal law. Money distributed under this subsection shall be distributed based on the ratio that the number of precincts in the county to be reimbursed under this subsection bears to the total number of precincts in all counties to be reimbursed under this subsection, to the extent permitted by federal law.

(c) If federal money remains in the fund after subsection (b) is applied, the remaining federal money reverts to the fund from which state money was appropriated, to the extent permitted by federal law.

**Sec. 7.** Payment of money from the fund under this chapter is subject to the availability of money in the fund.

**Sec. 8.** The commission may issue advisory opinions to assist counties in determining whether the factors stated in section 4(3) of this chapter would be enhanced by a new voting system or the upgrade of an existing voting system.

**Sec. 9. (a)** This section applies to a county that before July 1, 2001, purchased or awarded a contract for the purchase of a new voting system or an upgrade to an existing voting system that meets the requirement under section 4 of this chapter.

(b) For purposes of this chapter, a county's purchase or award of a contract for a new voting system or an upgrade to an existing

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voting system is eligible for reimbursement under this chapter regardless of whether the purchase or the award of the contract occurred before July 1, 2001, if:

(1) the county makes an application under section 3 of this chapter; and

(2) the county's application demonstrates that the new voting system or upgrade purchased or contracted for before July 1, 2001, meets the requirement under section 4 of this chapter.

SECTION 9. IC 3-11-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The commission must approve a ballot card voting system before it may be used in an election.

(b) After June 30, 2001, the commission may not approve a punch card voting system for use in an election.

(c) After December 31, 2003, a punch card voting system may not be used in an election.

SECTION 10. IC 3-11-13-6, AS AMENDED BY P.L.176-1999, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Before an election at which a ballot card voting system is used, a county election board shall:

(1) have the marking devices prepared for the election;

(2) have the marking devices put in order, set and adjusted, and made ready for voting when delivered to the precincts; and

(3) provide the precinct election officers with marking devices, a demonstration marking device (except in precincts using optical scan ~~ballot cards~~), **ballots**), ballot cards, ballot boxes, ballot labels, and other records and supplies as required.

(b) While acting under subsection (a), the county election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) Each county election board shall have each ballot card voting system, along with all necessary furniture and appliances that go with the system at the polls, delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the systems if requested to do so by the county election board.

SECTION 11. IC 3-11-13-18, AS AMENDED BY P.L.176-1999, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) This subsection does not apply to an optical scan ~~ballot card~~ voting system. Each ballot card provided under section 17 of this chapter must have two (2) attached perforated stubs on which is printed the same serial number. The top stub shall be

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bound or stapled in the package of ballot cards retained by the precinct election officers. The following information must be printed on the second stub:

- (1) The name of the political subdivision holding the election.
- (2) The designation of the election.
- (3) The date of the election.
- (4) The instructions to the voters.
- (5) In a primary election, the name of the political party.

(b) The county election board in a county using a ballot card voting system shall provide ballot cards to the precinct election board that permit voters to cast write-in votes for each officer to be voted for at that election.

(c) The ballot cards provided under subsection (b) must be:

- (1) designed to be folded; or
- (2) accompanied by a secrecy envelope;

to ensure the secrecy of each of the votes cast by a voter.

(d) A write-in vote shall be cast by printing the name of the candidate and the title of the office in the space provided for write-in votes on a ballot card or secrecy envelope.

SECTION 12. IC 3-11-13-20, AS AMENDED BY P.L.26-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. (a) This section does not apply to an optical scan ~~ballot card~~ voting system.

(b) Each county election board shall maintain a record of the serial numbers of all of the ballot cards provided to a precinct and shall note in this record the precinct to which each ballot card relates.

SECTION 13. IC 3-11-13-28.5, AS AMENDED BY P.L.176-1999, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.5. (a) Unless challenged, a voter may proceed to vote.

(b) This subsection does not apply to an optical scan ~~ballot card~~ voting system. After a voter has signed the poll list, the poll clerk holding the ballot card shall remove the top stub, as described in section 18 of this chapter, and deliver to the voter one (1) of each ballot card that the voter is entitled to vote at the election. The top stub (and any second stub declined by the voter under section 33 of this chapter) shall be retained by the precinct election board and returned to the election board following the close of the polls.

(c) As each successive voter calls for a ballot, the poll clerks shall deliver to the voter the first initialed ballot of each type. The inspector shall then deliver to the poll clerks another ballot of each type, which the clerks shall initial as before.



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SECTION 14. IC 3-11-13-33, AS AMENDED BY P.L.176-1999, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33. (a) After a voter has marked a ballot card, the voter shall place it inside the envelope provided for this purpose or fold the envelope described in section 18(c)(1) of this chapter and return the ballot card to the judge.

(b) This subsection does not apply to an optical scan ballot ~~card~~ or to a ballot card with a fold-over envelope. The judge shall remove the second stub, as described in section 18 of this chapter, from the envelope and offer the second stub to the voter.

(c) The judge shall offer to return the envelope with the ballot card inside to the voter. The voter shall:

- (1) accept the envelope and deposit it in the ballot box; or
- (2) decline the envelope and require the judge to deposit it in the ballot box.

(d) If a voter offers to vote a ballot card that is not inside the envelope provided for this purpose or with the envelope not folded if the ballot is described in section 18(c)(1) of this chapter, the precinct election board shall direct the voter to return to the booth and place the ballot card in the envelope provided for this purpose or fold the envelope.

(e) After a voter's ballot cards have been deposited in the ballot box, the poll clerks shall make a voting mark after the voter's name on the poll list.

(f) After voting, a voter shall leave the polls. However, a voter to whom ballot cards and a marking device have been delivered may not leave the polls without voting the ballot cards or returning them to the poll clerk from whom the voter received them.

SECTION 15. IC 3-11-13-35, AS AMENDED BY P.L.176-1999, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 35. (a) If a voter spoils or defaces a ballot card or marks it erroneously, the voter shall return the card so as not to disclose any choices that the voter has made.

(b) This subsection does not apply to an optical scan ballot. ~~card~~: A voter returning a ballot must comply with subsection (a) by folding the stub on the ballot card.

(c) After complying with subsection (b), the voter then may receive another ballot card. Upon receipt of a defective ballot card, the precinct election board shall:

- (1) immediately cancel the defective card by writing on the back of the card and stub the word "VOID" in ink or in indelible pencil; and

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- 1 (2) without detaching any stub attached to the card, place the card
- 2 in the container for voided ballots in a manner that does not
- 3 expose the choices of the voter.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1589, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. "Ballot card" ~~means a card on which votes are recorded by the process of punching or marking.~~ **refers to either a punch card ballot or an optical scan ballot.**

SECTION 2. IC 3-5-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. "Ballot card voting system" refers to either a punch card voting system or an optical scan voting system.**

SECTION 3. IC 3-5-2-33.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 33.8. "Optical scan ballot" means a card or another paper on which votes are:**

- (1) recorded by marking the card or paper in ink or pencil;**
- and**
- (2) tabulated by an optical system that reads the marks on the card or paper.**

SECTION 4. IC 3-5-2-33.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 33.9. "Optical scan voting system" means a voting system using optical scan ballots.**

SECTION 5. IC 3-5-2-41.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 41.5. "Punch card ballot" means a card on which votes are recorded by punching holes in the card.**

SECTION 6. IC 3-5-2-41.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 41.6. "Punch card ballot system" means a voting system using punch card ballots.**

SECTION 7. IC 3-10-1-28.5, AS AMENDED BY P.L.176-1999, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.5. (a) If a ballot card voting system is used in a precinct, after a voter has marked a ballot card the voter shall place it inside the envelope provided for this purpose and return it to the judge.

(b) The judge shall remove the stub from the ballot card. This

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subsection does not apply to an optical scan ~~ballot card~~ voting system.

(c) The judge shall then offer to return the envelope with the ballot card inside to the voter. The voter shall:

- (1) accept the envelope and deposit it with the ballot card inside into the ballot box; or
- (2) decline the envelope and require the judge to deposit it in the ballot box.

(d) The voter then shall leave the polls."

Page 1, delete lines 10 through 11, begin a new paragraph and insert:

**"(b) The fund consists of the following:**

- (1) Money appropriated to the fund by the general assembly, including any money appropriated from the build Indiana fund.**
- (2) All money allocated to the state by the federal government for improvement of voting systems.**
- (3) Proceeds of bonds issued by the Indiana bond bank for improvement of voting systems as authorized by law.**

**The auditor of state shall establish an account within the fund for money appropriated by the general assembly and a separate account within the fund for any money received by the state from the federal government."**

Page 2, line 7, delete "." and insert **"not later than December 31, 2003."**

Page 2, line 22, after "5." insert **"(a)"**.

Page 2, line 23, after "shall" insert **", subject to subsections (b) and (c),"**

Page 2, line 24, delete "twenty-five percent (25%)" and insert **"fifty percent (50%)"**.

Page 2, between lines 26 and 27, begin a new paragraph and insert:

**"(b) Subject to requirements of federal law under which money is allocated to the state, the division shall pay an additional reimbursement to a county that is eligible for reimbursement under this chapter from the federal money an amount determined under STEP FIVE of the following formula:**

**STEP ONE: Determine the amount of federal money received by the state.**

**STEP TWO: Determine the number of precincts in the county on July 1, 2001.**

**STEP THREE: Determine the total number, as of July 1, 2001, of precincts in all counties that are eligible for reimbursement under this chapter.**



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**STEP FOUR: Divide the number determined in STEP TWO by the number determined in STEP THREE.**

**STEP FIVE: Multiply the number determined in STEP FOUR by the number determined in STEP ONE.**

(c) It is the intent of the general assembly that a county that is eligible for reimbursement under this chapter be reimbursed from federal money received by the state to the maximum extent permitted by federal law. Notwithstanding subsection (b), if federal money remains in the fund after the formula in subsection (b) is applied, the remaining federal money shall be distributed to any counties that have not received the maximum amount of federal money permitted by federal law. Money distributed under this subsection shall be distributed based on the ratio that the number of precincts in the county to be reimbursed under this subsection bears to the total number of precincts in all counties to be reimbursed under this subsection, to the extent permitted by federal law.

(d) If federal money remains in the fund after subsection (c) is applied, the remaining federal money reverts to the fund from which state money was appropriated, to the extent permitted by federal law."

Page 2, after line 32, begin a new paragraph and insert:

"SECTION 9. IC 3-11-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The commission must approve a ballot card voting system before it may be used in an election.

(b) After June 30, 2001, the commission may not approve a punch card voting system for use in an election.

(c) After December 31, 2003, a punch card voting system may not be used in an election.

SECTION 10. IC 3-11-13-6, AS AMENDED BY P.L.176-1999, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Before an election at which a ballot card voting system is used, a county election board shall:

- (1) have the marking devices prepared for the election;
- (2) have the marking devices put in order, set and adjusted, and made ready for voting when delivered to the precincts; and
- (3) provide the precinct election officers with marking devices, a demonstration marking device (except in precincts using optical scan ~~ballot cards~~), **ballots**, ballot cards, ballot boxes, ballot labels, and other records and supplies as required.

(b) While acting under subsection (a), the county election board

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may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) Each county election board shall have each ballot card voting system, along with all necessary furniture and appliances that go with the system at the polls, delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the systems if requested to do so by the county election board.

SECTION 11. IC 3-11-13-18, AS AMENDED BY P.L.176-1999, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) This subsection does not apply to an optical scan ~~ballot card~~ voting system. Each ballot card provided under section 17 of this chapter must have two (2) attached perforated stubs on which is printed the same serial number. The top stub shall be bound or stapled in the package of ballot cards retained by the precinct election officers. The following information must be printed on the second stub:

- (1) The name of the political subdivision holding the election.
- (2) The designation of the election.
- (3) The date of the election.
- (4) The instructions to the voters.
- (5) In a primary election, the name of the political party.

(b) The county election board in a county using a ballot card voting system shall provide ballot cards to the precinct election board that permit voters to cast write-in votes for each officer to be voted for at that election.

(c) The ballot cards provided under subsection (b) must be:

- (1) designed to be folded; or
- (2) accompanied by a secrecy envelope;

to ensure the secrecy of each of the votes cast by a voter.

(d) A write-in vote shall be cast by printing the name of the candidate and the title of the office in the space provided for write-in votes on a ballot card or secrecy envelope.

SECTION 12. IC 3-11-13-20, AS AMENDED BY P.L.26-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. (a) This section does not apply to an optical scan ~~ballot card~~ voting system.

(b) Each county election board shall maintain a record of the serial numbers of all of the ballot cards provided to a precinct and shall note in this record the precinct to which each ballot card relates.

SECTION 13. IC 3-11-13-28.5, AS AMENDED BY P.L.176-1999, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2001]: Sec. 28.5. (a) Unless challenged, a voter may proceed to vote.

(b) This subsection does not apply to an optical scan ~~ballot card~~ voting system. After a voter has signed the poll list, the poll clerk holding the ballot card shall remove the top stub, as described in section 18 of this chapter, and deliver to the voter one (1) of each ballot card that the voter is entitled to vote at the election. The top stub (and any second stub declined by the voter under section 33 of this chapter) shall be retained by the precinct election board and returned to the election board following the close of the polls.

(c) As each successive voter calls for a ballot, the poll clerks shall deliver to the voter the first initialed ballot of each type. The inspector shall then deliver to the poll clerks another ballot of each type, which the clerks shall initial as before.

SECTION 14. IC 3-11-13-33, AS AMENDED BY P.L.176-1999, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33. (a) After a voter has marked a ballot card, the voter shall place it inside the envelope provided for this purpose or fold the envelope described in section 18(c)(1) of this chapter and return the ballot card to the judge.

(b) This subsection does not apply to an optical scan ballot ~~card~~ or to a ballot card with a fold-over envelope. The judge shall remove the second stub, as described in section 18 of this chapter, from the envelope and offer the second stub to the voter.

(c) The judge shall offer to return the envelope with the ballot card inside to the voter. The voter shall:

- (1) accept the envelope and deposit it in the ballot box; or
- (2) decline the envelope and require the judge to deposit it in the ballot box.

(d) If a voter offers to vote a ballot card that is not inside the envelope provided for this purpose or with the envelope not folded if the ballot is described in section 18(c)(1) of this chapter, the precinct election board shall direct the voter to return to the booth and place the ballot card in the envelope provided for this purpose or fold the envelope.

(e) After a voter's ballot cards have been deposited in the ballot box, the poll clerks shall make a voting mark after the voter's name on the poll list.

(f) After voting, a voter shall leave the polls. However, a voter to whom ballot cards and a marking device have been delivered may not leave the polls without voting the ballot cards or returning them to the poll clerk from whom the voter received them.



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SECTION 15. IC 3-11-13-35, AS AMENDED BY P.L.176-1999, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 35. (a) If a voter spoils or defaces a ballot card or marks it erroneously, the voter shall return the card so as not to disclose any choices that the voter has made.

(b) This subsection does not apply to an optical scan ballot. ~~card~~. A voter returning a ballot must comply with subsection (a) by folding the stub on the ballot card.

(c) After complying with subsection (b), the voter then may receive another ballot card. Upon receipt of a defective ballot card, the precinct election board shall:

- (1) immediately cancel the defective card by writing on the back of the card and stub the word "VOID" in ink or in indelible pencil; and
- (2) without detaching any stub attached to the card, place the card in the container for voided ballots in a manner that does not expose the choices of the voter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1589 as introduced.)

KROMKOWSKI, Chair

Committee Vote: yeas 12, nays 2.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1589, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the committee report of the Committee on Elections and Apportionment adopted February 1, 2000.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. "Ballot card" ~~means a card on which votes are recorded by the process of punching or marking; refers to either a punch card ballot or an optical scan ballot.~~

SECTION 2. IC 3-5-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.5. "Ballot card voting system" refers to either a punch card voting system or an optical scan voting system.

SECTION 3. IC 3-5-2-33.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33.8. "Optical scan ballot" means a card or another paper on which votes are:

- (1) recorded by marking the card or paper in ink or pencil; and
- (2) tabulated by an optical system that reads the marks on the card or paper.

SECTION 4. IC 3-5-2-33.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33.9. "Optical scan voting system" means a voting system using optical scan ballots.

SECTION 5. IC 3-5-2-41.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 41.5. "Punch card ballot" means a card on which votes are recorded by punching holes in the card.

SECTION 6. IC 3-5-2-41.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 41.6. "Punch card ballot system" means a voting system using punch card ballots.

SECTION 7. IC 3-10-1-28.5, AS AMENDED BY P.L.176-1999, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.5. (a) If a ballot card voting system is used in a precinct, after a voter has marked a ballot card the voter shall place it inside the envelope provided for this purpose and return it to the

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judge.

(b) The judge shall remove the stub from the ballot card. This subsection does not apply to an optical scan ~~ballot card~~ voting system.

(c) The judge shall then offer to return the envelope with the ballot card inside to the voter. The voter shall:

(1) accept the envelope and deposit it with the ballot card inside into the ballot box; or

(2) decline the envelope and require the judge to deposit it in the ballot box.

(d) The voter then shall leave the polls."

Page 1, delete lines 10 through 11, begin a new paragraph and insert:

**"(b) The fund consists of the following:**

**(1) Money appropriated to the fund by the general assembly, including any money appropriated from the build Indiana fund.**

**(2) All money allocated to the state by the federal government for improvement of voting systems.**

**(3) Proceeds of bonds issued by the Indiana bond bank for improvement of voting systems as authorized by law.**

**The auditor of state shall establish an account within the fund for money appropriated by the general assembly and a separate account within the fund for any money received by the state from the federal government."**

Page 2, line 6, delete "commission" and insert "**budget agency**".

Page 2, line 7, delete "commission." and insert "**budget agency not later than June 1, 2003.**".

Page 2, line 8, delete "commission" and insert "**budget agency, after review by the budget committee,**".

Page 2, line 8, delete "commission" and insert "**budget agency**".

Page 2, line 10, delete "commission" and insert "**budget agency**".

Page 2, line 22, after "5." insert "**(a)**".

Page 2, line 22, delete "the commission approves".

Page 2, line 22, after "application" insert "**is approved**".

Page 2, line 23, after "shall" insert "**, subject to subsection (b) and section 6 of this chapter,**".

Page 2, line 24, delete "twenty-five percent (25%)" and insert "**fifty percent (50%)**".

Page 2, between lines 26 and 27, begin a new paragraph and insert:

**"(b) This section expires January 1, 2005.**

**Sec. 6. (a) Subject to requirements of federal law under which money is allocated to the state, the division shall pay an additional**

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reimbursement to a county that is eligible for reimbursement under this chapter from the federal money an amount determined under STEP FIVE of the following formula:

**STEP ONE:** Determine the amount of federal money received by the state.

**STEP TWO:** Determine the number of precincts in the county on July 1, 2001.

**STEP THREE:** Determine the total number, as of July 1, 2001, of precincts in all counties that are eligible for reimbursement under this chapter.

**STEP FOUR:** Divide the number determined in STEP TWO by the number determined in STEP THREE.

**STEP FIVE:** Multiply the number determined in STEP FOUR by the number determined in STEP ONE.

(b) It is the intent of the general assembly that a county eligible for reimbursement under this chapter be reimbursed from federal money received by the state to the maximum extent permitted by federal law. Notwithstanding subsection (a), if federal money remains in the fund after the formula in subsection (a) is applied, the remaining federal money shall be distributed to any counties that have not received the maximum amount of federal money permitted by federal law. Money distributed under this subsection shall be distributed based on the ratio that the number of precincts in the county to be reimbursed under this subsection bears to the total number of precincts in all counties to be reimbursed under this subsection, to the extent permitted by federal law.

(c) If federal money remains in the fund after subsection (b) is applied, the remaining federal money reverts to the fund from which state money was appropriated, to the extent permitted by federal law."

Page 2, line 27, delete "6." and insert "7."

Page 2, line 29, delete "7." and insert "8."

Page 2, after line 32, begin a new paragraph and insert:

"SECTION 9. IC 3-11-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The commission must approve a ballot card voting system before it may be used in an election.

(b) After June 30, 2001, the commission may not approve a punch card voting system for use in an election.

(c) After December 31, 2003, a punch card voting system may not be used in an election.

SECTION 10. IC 3-11-13-6, AS AMENDED BY P.L.176-1999,



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SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Before an election at which a ballot card voting system is used, a county election board shall:

- (1) have the marking devices prepared for the election;
- (2) have the marking devices put in order, set and adjusted, and made ready for voting when delivered to the precincts; and
- (3) provide the precinct election officers with marking devices, a demonstration marking device (except in precincts using optical scan ~~ballot cards~~, **ballots**), ballot cards, ballot boxes, ballot labels, and other records and supplies as required.

(b) While acting under subsection (a), the county election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) Each county election board shall have each ballot card voting system, along with all necessary furniture and appliances that go with the system at the polls, delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the systems if requested to do so by the county election board.

SECTION 11. IC 3-11-13-18, AS AMENDED BY P.L.176-1999, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) This subsection does not apply to an optical scan ~~ballot card~~ voting system. Each ballot card provided under section 17 of this chapter must have two (2) attached perforated stubs on which is printed the same serial number. The top stub shall be bound or stapled in the package of ballot cards retained by the precinct election officers. The following information must be printed on the second stub:

- (1) The name of the political subdivision holding the election.
- (2) The designation of the election.
- (3) The date of the election.
- (4) The instructions to the voters.
- (5) In a primary election, the name of the political party.

(b) The county election board in a county using a ballot card voting system shall provide ballot cards to the precinct election board that permit voters to cast write-in votes for each officer to be voted for at that election.

(c) The ballot cards provided under subsection (b) must be:

- (1) designed to be folded; or
- (2) accompanied by a secrecy envelope;

to ensure the secrecy of each of the votes cast by a voter.

(d) A write-in vote shall be cast by printing the name of the

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candidate and the title of the office in the space provided for write-in votes on a ballot card or secrecy envelope.

SECTION 12. IC 3-11-13-20, AS AMENDED BY P.L.26-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. (a) This section does not apply to an optical scan ~~ballot card~~ voting system.

(b) Each county election board shall maintain a record of the serial numbers of all of the ballot cards provided to a precinct and shall note in this record the precinct to which each ballot card relates.

SECTION 13. IC 3-11-13-28.5, AS AMENDED BY P.L.176-1999, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.5. (a) Unless challenged, a voter may proceed to vote.

(b) This subsection does not apply to an optical scan ~~ballot card~~ voting system. After a voter has signed the poll list, the poll clerk holding the ballot card shall remove the top stub, as described in section 18 of this chapter, and deliver to the voter one (1) of each ballot card that the voter is entitled to vote at the election. The top stub (and any second stub declined by the voter under section 33 of this chapter) shall be retained by the precinct election board and returned to the election board following the close of the polls.

(c) As each successive voter calls for a ballot, the poll clerks shall deliver to the voter the first initialed ballot of each type. The inspector shall then deliver to the poll clerks another ballot of each type, which the clerks shall initial as before.

SECTION 14. IC 3-11-13-33, AS AMENDED BY P.L.176-1999, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33. (a) After a voter has marked a ballot card, the voter shall place it inside the envelope provided for this purpose or fold the envelope described in section 18(c)(1) of this chapter and return the ballot card to the judge.

(b) This subsection does not apply to an optical scan ballot ~~card~~ or to a ballot card with a fold-over envelope. The judge shall remove the second stub, as described in section 18 of this chapter, from the envelope and offer the second stub to the voter.

(c) The judge shall offer to return the envelope with the ballot card inside to the voter. The voter shall:

- (1) accept the envelope and deposit it in the ballot box; or
- (2) decline the envelope and require the judge to deposit it in the ballot box.

(d) If a voter offers to vote a ballot card that is not inside the envelope provided for this purpose or with the envelope not folded if

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the ballot is described in section 18(c)(1) of this chapter, the precinct election board shall direct the voter to return to the booth and place the ballot card in the envelope provided for this purpose or fold the envelope.

(e) After a voter's ballot cards have been deposited in the ballot box, the poll clerks shall make a voting mark after the voter's name on the poll list.

(f) After voting, a voter shall leave the polls. However, a voter to whom ballot cards and a marking device have been delivered may not leave the polls without voting the ballot cards or returning them to the poll clerk from whom the voter received them.

SECTION 15. IC 3-11-13-35, AS AMENDED BY P.L.176-1999, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 35. (a) If a voter spoils or defaces a ballot card or marks it erroneously, the voter shall return the card so as not to disclose any choices that the voter has made.

(b) This subsection does not apply to an optical scan ballot. ~~card~~: A voter returning a ballot must comply with subsection (a) by folding the stub on the ballot card.

(c) After complying with subsection (b), the voter then may receive another ballot card. Upon receipt of a defective ballot card, the precinct election board shall:

- (1) immediately cancel the defective card by writing on the back of the card and stub the word "VOID" in ink or in indelible pencil; and
- (2) without detaching any stub attached to the card, place the card in the container for voided ballots in a manner that does not expose the choices of the voter."

Renumber all SECTIONS consecutively.

on Elections and Apportionment adopted February 1, 2001.)

and when so amended that said bill do pass.

(Reference is to HB 1589 as introduced and as amended by the committee report of the Committee

BAUER, Chair

Committee Vote: yeas 22, nays 0.



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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1589 be amended to read as follows:

Page 4, between lines 36 and 37, begin a new paragraph and insert:

**"Sec. 9. (a) This section applies to a county that before July 1, 2001, purchased or awarded a contract for the purchase of a new voting system or an upgrade to an existing voting system that meets the requirement under section 4 of this chapter.**

**(b) For purposes of this chapter, a county's purchase or award of a contract for a new voting system or an upgrade to an existing voting system is eligible for reimbursement under this chapter regardless of whether the purchase or the award of the contract occurred before July 1, 2001, if:**

- (1) the county makes an application under section 3 of this chapter; and**
- (2) the county's application demonstrates that the new voting system or upgrade purchased or contracted for before July 1, 2001, meets the requirement under section 4 of this chapter."**

(Reference is to HB 1589 as printed February 22, 2001.)

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